

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

OWP No. 403/2014
CM Nos. 6986/2021, 6987/2021
& 8202/2019

Suhail Gupta

.....Appellant(s)/Petitioner(s)

Through: Mr. Sidhant Gupta, Advocate.

Vs

State of J&K and ors.

..... Respondent(s)

Through: Mr. S.S. Nanda, Sr. AAG.
Mr. Aijaz Lone, Dy. AG.

**Coram: HON'BLE MR. JUSTICE DHIRAJ SINGH THAKUR, JUDGE
HON'BLE MR. JUSTICE MOHAN LAL, JUDGE**

ORDER

30.11.2021

1. The main grievance of the petitioner in the present petition is that he is the owner of the land measuring 01 Kanal falling under Khasra No. 826 situate at village Ramban and that out of the said land, approximately 10 Marlas was utilized by the Public Works Department for constructing a road and the rest 10 Marlas of land was illegally occupied by the Forest Department.

2. Learned counsel for the petitioner relies heavily upon a demarcation report dated 04.07.2013 submitted by the Naib Tehsildar, Batote, after spot verification in the presence of the officers of the Forest Department, according to which report, out of 01 Kanal of land owned by the petitioner, 10 Marlas is stated to be in unauthorized occupation of the Forest Department.

3. The assertion that the Forest Department was in occupation of 10 Marlas of land belonging to the petitioner, is vehemently denied by the Forest Department.

4. Learned counsel for the respondents submits that the Forest Department has been in possession and in occupation of the land, where currently a depot is functioning for the last more than sixty six years and that the entire case set up is without any basis. Although, there is a demarcation report on record, yet with a view to ensure transparency and authenticity, we direct the respondent No. 5, i.e., Deputy Commissioner, Ramban, to constitute a team for purposes of demarcation, consisting of the officers of integrity from the department, who shall associate with the officers of the Forest Department and the officers of the Public Works Department as well, for purposes of conducting a fresh demarcation of the land belonging to the petitioner measuring 01 Kanal falling under Khasra No. 826. Such of the land, as belongs to the petitioner and has been utilized for constructing the road by the Public Works Department shall also be identified and the rest 10 Marlas shall also be accounted for and identified. A report in this regard be submitted before this Court by or before next date of hearing. The report would also show as to whether the petitioner, at all, is the owner of the land, which he claims to be the owner of and whether any compensation was paid to the petitioner on account of construction of the road by the Public Works Department and, if not, the reasons thereof.

5. Registry is directed to supply copy of this order to both the counsel for the respondents for compliance.

6. Let the matter be listed on 15.02.2022.

(Mohan Lal)
Judge

(Dhiraj Singh Thakur)
Judge

Jammu
30.11.2021
Ram Krishan